



05-22-09

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IN THE US PATENT AND TM OFFICE

Appn. Number: 10/017,280
Filing Date : 2001 Dec 07
Applicants : Zemlyakov, Vladimir and McDonough, Patrick
Appn. Title : Upper Extremity Exoskeleton Structure and Method
Examiner : Yu, Justine Romand/GAU 3764

Mailed 2009, May 21, Thurs.

At Basking Ridge, NJ

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Please, consider the following as a response to the Office of Petitions Letter mailed on March 25, 2009:

1. Applicants had never stated, "a proper and timely response to the Interview Summary was in fact filed" by the Patent Office. Applicants had only stated that the Applicants' response including the drawings was sent on August 7, 2003 and received by the Patent Office. But the Applicants' response was not filed by the Patent Office in proper time because, unfortunately, the response to the Interview Summary was lost into the Patent Office. Applicants would like to note

again that if the response was filed by the Patent Office in proper time, it was not problem with failure to timely file corrected drawings.

2. The Office of Petitions in this letter states, "Petitioners' argument has been considered, but is not persuasive. Assuming, *arguendo*, the drawings filed with a certificate of mailing were timely filed, petitioners were notified in the decision on petition mailed on March 30, 2006, that the drawings are not in compliance with 37 CFR 1.84 and 1.152. As such, corrected drawings are required, and the application could not have issued as a patent using the drawings filed to date."

Applicants would like to remind again that corrected drawings, according to requirements of the Notice of Draftsperson's Patent Drawing Review contained in the decision on petition mailed on March 30, 2006, were filed by Patent Office on May 25, 2006. Because Applicants had not received after that any comments on corrected drawings from the Patent Office, the drawings are in compliance with 37 CFR 1.84 and 1.152, and the application can be issued as a patent.

3. Applicants would like to remind that correspondence address of Vladimir Zemlyakov that is prosecuting the application process was changed and filed by the Patent Office on February 17, 2009. Please, use new correspondence address that is: 9 Georgian Court, Basking Ridge, NJ 07920.

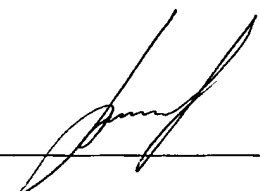
4. Applicants again have not found arguments to revive the Patent Application and pay additional fee. Applicants would like to repeat that the Patent Office has the drawings that are in compliance with 37 CFR 1.84 and 1.152, which were filed by the Patent Office on May 25,

2006.

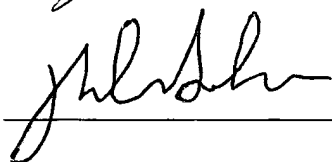
5. Considering the above, Applicants again respectfully request to withdraw Holding of the Abandonment and issue the Patent because the Patent Office already received corrected drawings and Issue and Publication Fees (\$ 950.00).

Very respectfully,

Vladimir Zemlyakov

A handwritten signature in black ink, appearing to be 'V. Zemlyakov', written over a horizontal line.

Patrick McDonough

A handwritten signature in black ink, appearing to be 'Patrick McDonough', written over a horizontal line.

May 21, 2009



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service
as First Class Mail in the envelope addressed to:

Mail Stop Petition

Commissioner For Patents

P.O. Box 1450

Alexandria, VA 22313-1450

on May 21, 2009

Vladimir Zemlyakov

Signature